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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/127,411	07/31/1998	MICHEAL L. GRUENBERG	24731-500C	1111

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EXAMINER

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1644

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Please find below and/or attached an Office communication concerning this application or proceeding.

6. The proposed claims raise the issue of new matter. There is no support in the specification for the recitation of "collecting mononuclear cells from a patient infected with HIV" in proposed claim 37. The original claims disclose the claimed method wherein the claim recites "isolating CD4+ mononuclear cells", but not the claimed invention which recites "collecting mononuclear cells". Regarding applicants comments about the specification, page 28, said passage of the specification does not refer to the claimed method (eg. it refers to a method for production of regulatory cells, not the claimed method of producing virally purged CD4+ cells). Regarding Example 3 in the specification, said example refers to collection of mononuclear cells via leukopheresis. The proposed claim does not recite that the mononuclear cells were collected via leukopheresis.

The proposed claims would require a new rejection over 35 U.S.C. 112 second paragraph in that proposed claim 37 recites "in excess of  $1 \times 10^{10}$  cells per liter", while claim 160 recites "in a volume of 500 mls or less" and therefore claim 160 would lack antecedent basis in claim proposed claim 37.

7. Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1600 at (703) 308-4242.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON  
PRIMARY EXAMINER  
GROUP 1600



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